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| 10/619,186 | 07/15/2003 | Hirobumi Toyoda | 3022-16 | 4958 |
| 70432 | 7590 | 12/13/2007 | | |
| ALFRED A. STADNICKI 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209 | | | EXAMINER PANDYA, SUNIT | |
| | | | ART UNIT 3714 | PAPER NUMBER |
| | | | NOTIFICATION DATE 12/13/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AStadnicki@antonelli.com
kleibin@antonelli.com
alfred.a.stadnicki@gmail.com

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/619,186 | Applicant(s) TOYODA, HIROBUMI | |
| | Examiner Sunit Pandya | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to amendment filed 9/26/2007, wherein claims 1-20 have been amended and new claims 21-27 have been added..

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All of the said claims seem narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The examiner cannot understand or grasp the main idea within the many limitations of the claims.

Claims 13-16, states " The gaming machine according to Claim 1, further comprising: a prior cell effective means for making at least one of the cells of the matrix effective based on effective cell lottery." wherein the examiner cannot comprehend limitations the claims is trying to make, thus all of the claims are given broadest reasonable claim interpretation.

The stated claims language above is just an example of indefinite claim language through out the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie (US Patent 5,980,384).

Claims 1, 3, 23-27: Barrie teaches of a combination making gaming machine (slot machine), wherein symbols are allocated to each cell on a multi-cell gaming machine, wherein the symbol is selected randomly (col. 4: 29-43), and an award is provided to the player based on the combination of the symbols in the cells (col. 4: 12-28). The game machine consists of a number generator that randomly places a symbol into each cell of the machine (col. 4: 29-43, col. 1: 29-35). Barrie also teaches of shifting symbols from original cell to an adjacent cell position (col. 4: 52-68). Barrie also teaches of an award determination means, which determines the award, and disburses, to the player if any combination of symbols is achieved after the occurrence of the shift (col. 6: 13-23). Barrie however fails to teach that the symbols are poker symbols. However at the time the invention was made, it would have been obvious matter of design choice to a person of ordinary skill in the art to display poker symbols on a slot machine thus increasing player entertainment.

Claims 2, 4 & 18: Barrie teaches of shifting symbols from an original position to a secondary position (fig 2, wherein the symbol could be shifted between an inner group or an outer group).

Claims 5-8: Barrie teaches of multiple paylines, which are player selectable (col. 6: 24-28). Barrie also teaches of obtaining winning combination after the symbols have been allocated and determining that the benefits provided to the players in the bonus round or after the symbol allocation is higher than standard payout (col. 4: 52-68 and figure 2 and the description thereof).

Claims 9-12: Barrie teaches of a combination recognition means, which determines if the combination on the screen results in an award, and if so then provides an award to the player (col. 4: 12-28).

Claims 13-16: Barrie teaches of a prior cell effective means for making on of the cells of the matrix in accordance with an effective lottery (col. 6: 13-23).

Claim 17: Barrie teaches a gaming machine adapted to perform a combination game using a square matrix, which contains a plurality of cells (figure 1 and col. 8: 19-24). Barrie also teaches of allocating symbols to each cell on a multi-cell gaming machine, wherein the symbol is selected randomly (col. 4: 29-43), and an award is provided to the player based on the combination of the symbols in the cells (col. 4: 12-28). The game machine consists of a number generator that randomly places a symbol into each cell of the machine (col. 4: 29-43, col. 1: 29-35). Barrie also teaches of shifting symbols from original cell to an adjacent cell position (col. 4: 52-68). Barrie also teaches of an award determination means, which determines the award, and

disburses, to the player if any combination of symbols is achieved after the occurrence of the shift (col. 6: 13-23).

Claims 19-20: Barrie teaches of an article of manufacture comprising a program stored on a medium for use in a gaming machine (col. 11: 39-68), to perform a combination game using a square matrix, which contains a plurality of cells (figure 1 and col. 8: 19-24). Barrie also teaches of allocating symbols to each cell on a multi-cell gaming machine, wherein the symbol is selected randomly (col. 4: 29-43), and an award is provided to the player based on the combination of the symbols in the cells (col. 4: 12-28). The game machine consists of a number generator that randomly places a symbol into each cell of the machine (col. 4: 29-43, col. 1: 29-35). Barrie also teaches of shifting symbols from original cell to an adjacent cell position (col. 4: 52-68). Barrie also teaches of an award determination means, which determines the award, and disburses, to the player if any combination of symbols is achieved after the occurrence of the shift (col. 6: 13-23).

Claims 21-22: Barrie teaches the gaming machine having a square five-by-five matrix (col. 8: 19-23). Barrie however fails to teach that the symbols are poker symbols and the winning hand is a winning poker hand. However at the time the invention was made, it would have been obvious matter of design choice to a person of ordinary skill in the art to change the display of the game from different fruit display as taught by Barrie to different poker symbols or Mahjong tiles, thus allowing player to obtain winning combination in poker hands or Mahjong hands and increasing player entertainment.

Response to Arguments

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant's arguments with respect to claim 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP



Robert Pezzuto
Supervisory Patent Examiner
3714